HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.21835 of 2006

Dated:23.10.2006

Between:

Gutta Sattaiah and another.

…Petitioners

and

The District Collector and another.

…Respondents

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.21835 of 2006

ORDER:

The petitioners are allegedly in occupation of the land admeasuring Ac.0.10 guntas each out of an extent of Acs.52.39 guntas in Survey No.279/1 situated at Ragannaguda Village, Hamlet of Turkayamjal, Hayathnagar Mandal in Ranga Reddy District. There was a proposal to evict them, and accordingly the second respondent issued notice under Section 7 of the Land Encroachment Act, 1905 (for short 'the Act'), on 15.02.1995. The petitioners allege that on 14.06.2006 and 09.10.2006 the subordinate Officers of the second respondent threatened to evict them from the land. Therefore, they made an application on 11.07.2006 to the second respondent for obtaining certified copies of pahanies in respect of the said land. By memo dated 21.07.2006, the petitioners were informed that certified copies of pahanies in respect of the land in Survey No.279/1 cannot be issued in their name as the land was classified as Gairan Sarkari. The petitioners apprehend that as they were informed that the land is Gairan Sarkari they will be forcibly evicted from the land. They, therefore, seek a writ of mandamus declaring the action of the respondents in interfering with their peaceful possession and

enjoyment of the land without due process of law as arbitrary and illegal.

At the stage of preliminary hearing itself, the learned Assistant Government Pleader for Revenue (General) obtained instructions from the office of the second respondent. He submits that after the request of the petitioners for supply of certified copies is rejected by the second respondent vide memo dated 21.07.2006, the petitioners have filed the present Writ Petition on mere apprehension. While denying the allegation that there is threat of dispossession, the learned Assistant Government Pleader submits that unless and until action is taken against the petitioners under the provisions of the Act, they cannot forcibly be evicted. This submission of the learned Assistant Government Pleader is placed on record.

The Writ Petition is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

23.10.2006
vs